

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LATOYA NICOLE LITTLES,

Plaintiff,

vs.

ANDRE MICHAELIAN, *et al.*,

Defendants.

Case No. 2:09-cv-00558-RLH-GWF

**REPORT AND
RECOMMENDATION**

On February 12, 2010, the Court dismissed Plaintiff Latoya Littles' Complaint without prejudice due to her failure to pay a filing fee or properly apply for *in forma pauperis* status as required by Local Rule LSR 1-1. The Court ordered Plaintiff to either pay the fee or file a proper *in forma pauperis* application before March 15, 2010 and notified her that failure to do so would result in a recommendation to the District Judge that this action be dismissed with prejudice. Accordingly,

IT IS HEREBY RECOMMENDED that Plaintiff's Complaint (Dkt. #1) should be **dismissed with prejudice** based on Plaintiff's failure to comply with the Court's order (Dkt. #2) and failure to pay a filing fee or file an application to proceed *in forma pauperis* with a financial affidavit.

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NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 22nd day of March, 2010.



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE